

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

WILMER HARTFIELD JR. #662042 §
v. § CIVIL ACTION NO. 5:09cv18
RISSIE OWENS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Wilmer Hartfield, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Hartfield complains that he has been denied parole several times for essentially the same reasons, speculating that he is being denied parole because of his “outspoken-ness against injustice.” He asks that the Court order his release on parole.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed as frivolous. The Magistrate Judge noted that the relief which Hartfield seeks is available only through habeas corpus, and also stated that there is no constitutional liberty interest in release on parole and that Hartfield’s assertion that the denial of parole is retaliatory in nature is wholly conclusory. The Magistrate Judge thus concluded that Hartfield’s complaint lacked any arguable basis in law.

Hartfield received a copy of the Magistrate Judge’s Report on February 26, 2009, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate

review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted. 28 U.S.C. §1915A. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 13th day of April, 2009.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE